

UNITED STATES DISTRICT COURT
FOR THE ~~NORTHERN~~ DISTRICT OF TEXAS
~~SOUTHERN~~
Houston Division

United States District Court
Southern District of Texas

FILED

MAY 09 2016

Form To Be Used By A Prisoner in Filing a Complaint
Under the Civil Rights Act, 42 U.S.C. § 1983

David J. Bradley, Clerk of Court

(JURY TRIAL DEMAND)

Allen Dwayne Bates #1822207
Plaintiff's name and ID number

I AM UNDER IMMEDIATE DANGER
OF SERIOUS PHYSICAL INJURY.

STEVENSON UNIT
Place of Confinement

Case No.

(Clerk will assign the number)

v. DONALD WHITE, STATE CLASSIFICATION COMMITTEE, in ~~his~~ WORK AND
INDIVIDUAL CAPACITY.
P.O. BOX 99 - HUNTSVILLE, TEXAS 77342 - 0099

Defendant's name and address

KELLY ELLIS, STATE CLASSIFICATION COMMITTEE, in ~~his~~ WORK AND INDIVIDUAL
CAPACITY. P.O. BOX 99 - HUNTSVILLE, TEXAS 77342 - 0099.

Defendant's name and address

Defendant
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate District Court, the Division and an address list of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$350.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$350 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion (s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

A. Have you filed *any* other lawsuits in state or federal court relating to your imprisonment? ☒ YES ☐ NO

B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: 01/24/2011
2. Parties to previous lawsuit:
Plaintiff(s) ALLEN DINA WILE BATES
Defendant(s) BLAKE HENCHELIFFE AND JERRY JACKSON
3. Court: (If federal, name the district; if state, name the county.) U.S. DISTRICT COURT NORTHERN
4. Docket Number: 2:11-cv-00017-d
5. Name of judge to whom case was assigned: CLARENCE E. AVERETTE
6. Disposition: (Was the case dismissed, appealed, still pending?)
7. Approximate date of disposition: 2/22/2012

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B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: 3/11/2013
2. Parties to previous lawsuit:
Plaintiff(s) ALLEN DAWAINE BATES
Defendant(s) ELIZABETH BROWN, BLAKE HEATHCLIFFE MIKE JEFF JACOBSON
3. Court: (If federal, name the district; if state, name the county.) POH-EP COURT
4. Docket Number: 63,808-A
5. Name of judge to whom case was assigned: DAN L. SCHAAF
6. Disposition: (Was the case dismissed, appealed, still pending?)
7. Approximate date of disposition: 01 MAY 12, 2014

TDCS - LA STEVENSON UNIT

II. PLACE OF PRESENT CONFINEMENT:

THIS MATTER IS BEYOND THE CONTROL OF THE TDCS AGENCY TO CORRECT.

III. EXHAUSTION OF GRIEVANCE PROCEDURES: NOT REQUIRED

Have you exhausted both steps of the grievance procedure in this institution?

YES ☐ NO ☒

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: (ALLEN DUNN/DALE BATES #1882207)
STEVENSON UNIT
1525 FM 766 - CUERO, TX 77954B. Full name of each defendant, his official position, his place of employment, and his full mailing address. DALE WHITE, HEAD OF THE (SCC) STATE OF TEXAS
P.O. BOX 99 - HUNTSVILLE, TEXAS 77342-099

Defendant #1:

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

DEFENDANT #1 DENIED MY TRANSFER AND CAUSE ME IMMEDIATE DANGER OF SERIOUS PHYSICAL INJURY, WHICH IS A 8th AMENDMENT RIGHT VIOLATION. IF I DO NOT GET PLACED BACK INTO GENERAL POPULATION, THIS IS CRUEL AND UNUSUAL PUNISHMENT INFLICTED.Defendant #2: KELLY ELLIS, CHAIRPERSON OF THE (SCC) STATE OF TEXAS
P.O. BOX 99 - HUNTSVILLE, TEXAS 77342-099

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

DEFENDANT #2 DENIED MY TRANSFER AND CAUSE ME IMMEDIATE DANGER OF SERIOUS PHYSICAL INJURY, CRUEL AND UNUSUAL PUNISHMENT INFLICTED A 8th AMENDMENT VIOLATION. IF I DO NOT GET PLACED BACK IN GENERAL POPULATION.

Defendant #3:

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #4:

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5:

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

On 4/4/2016 and 4/5/2016 I WAS GAMBLING, I LOST AND DINE 3 DIFFERENT GANG MEMBERS AT THE STEVENSON UNIT. On 4/3/2016 I WAS TOLD BY ANA FACE AND A.S. GANG MEMBERS, IF I DIDN'T HAVE THEIR MONEY, ~~THEY~~ ~~WILL~~ ~~BEAT~~ ~~UP~~ ~~ME~~ ~~UP~~. On 4/6/2016 I WOULD GET BEAT UP.

On 4/6/2016 AT ABOUT 4:AM I SPOKE WITH (SGT) ABBSI AND A FEMALE (L.T) WHICHER NAME IS UNKNOWN AND ~~THEY~~ I TOLD THEM THAT DINE 3 DIFFERENT GANG MEMBERS FROM GAMBLING. THE FEMALE HAD TO SIGN STATEMENT (L.T) ASKED ME, IF I FELT MY LIFE WAS IN DANGER, I PLACED YES AND I WOULD LIKE PROTECTIVE CUSTODY, I SIGN ON ALL 5 GANG MEMBERS STATEMENTS. THE FEMALE (L.T) HAD ME PLACE IN ADMINISTRATIVE SEPARATION. On 4/11/2016 I SAW UNIT CLASSIFICATION COMMITTEE AND COMMITTEE RECOMMENDED A TRANSFER. On 4/12/2016 I SAW UNIT CLASSIFICATION COMMITTEE AND I WAS TOLD BY MAJOR RUIZ THAT THE STATE CLASSIFICATION COMMITTEE DENIED MY TRANSFER AND THAT UNIT CLASSIFICATION COMMITTEE WOULD HAVE TO PUT ME BACK IN GENERAL POPULATION. LATER ON ABOVE DATE 5/4/2016 I WAS PLACE BACK IN GENERAL POPULATION, AS I STILL FEAR FOR MY LIFE, PLEASE! HELP.

VI. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I WOULD SIMPLY LIKE A TRANSFER TO THE TULLA UNIT OR DALHART UNIT. I SEEK RECOVERY OF THIS LAWSUIT.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

ALLAN BAYES, ALLEN DEWAYNE BAYES, ALLEN DEWAYNE BAYES

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.

1822207 THE REST IS UNKNOWN

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed?

(ALOT SURE)
YES NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division):

2. Case Number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied?

YES NO

C. Has any court ever warned or notified you that sanctions could be imposed? (Not sure) YES NO

D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): _____

2. Case Number: _____

3. Approximate date warnings were imposed: _____

Executed on: 5/4/2016
DATE

ALLEN DWAYNE BATES
Allen Dwayne Bates
(Signature of plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$350 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

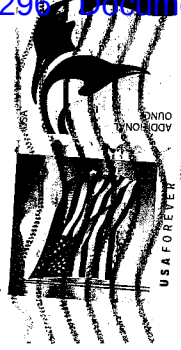
Signed this 4 day of MAY, 2016.
(Day) (month) (year)

ALLEN DWAYNE BATES
Allen Dwayne Bates
(Signature of plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.

ALLEYDALE BATES #1822217
STEVENSON UNIT
1323 PM 766
CIVERS, TEXAS 77934
(LEGAL MAIL)

CORPUS CHRISTI
TX 784 11
06 MAY 2016 PM



U.S. District Clerk
P.O. Box 610
Houston, Texas 77208

(2)

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Southern District of Texas
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David J. Bradley, Clerk of Court

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